



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 27, 1995

Ms. Mary Nichols
City Secretary
City of Wylie
P.O. Box 428
Wylie, Texas 75098

OR95-990

Dear Ms. Nichols

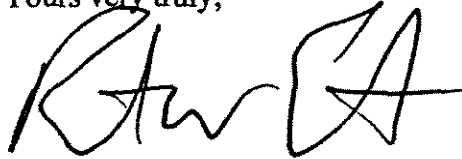
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 32970.

The City of Wylie Municipal Court has received two requests for information relating to offense reports and witness statements filed with the court. You advise us that you have made some of the requested information available to the requestor. You object to releasing the remainder of the requested information and claim that section 552.108 of the Government Code excepts this information from required public disclosure.

Although you assert that section 552.108 excepts the information from required disclosure, we note that records of the judiciary are generally not subject to the Open Records Act pursuant to section 552.003(b) of the Government Code. The Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. Open Records Decision No. 25 (1974). Accordingly, the requested information is not subject to public disclosure under chapter 552 of the Government Code. However, Texas courts have long recognized a common-law right to copy and inspect certain judicial records. Attorney General Opinion DM-166 (1992); Open Records Decision No. 618 (1993). Additionally, the records may be subject to disclosure under statutory law governing municipal courts. *See* Open Records Decision No. 274 (1981) (holding that municipal courts are not subject to Open Records Act, but traffic citations held by municipal court were nevertheless public information under other laws giving municipal court clerks same duties as county clerks); *see also* Gov't Code § 30.488(a) (municipal court clerks shall perform duties prescribed by law for county clerk of county court at law); Loc. Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RWS' followed by a stylized 'A' or 'S'.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/rho

Ref.: ID# 32970

Enclosures: Submitted documents

cc: Mr. Gary V. Milazzotto
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(w/o enclosures)

Mr. Derek V. Arnold
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Wylie, Texas 75098
(w/o enclosures)